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WHAT'S HAPPENING

12th & 13th Michigan Worker Deaths of 2014

The 12th & 13th Michigan worker deaths of 2014 occurred on May 10, 2014, and May 4, 2014, respectively. Employers and employees are urged to use extreme care and safety diligence in all work activities.

Summary of incident: On May 10, 2014, at approximately 1:00 am, a 49 year old sanitation worker was cleaning pieces of conveying equipment where the conveyor belt had been removed. The sanitation worker's gloved right hand was caught in a plastic drive gear causing him to become entangled in the equipment. The sanitation worker was found approximately 45 minutes later entangled in the equipment.

Summary of incident: On April 21, 2014, a 29 year old employee was working on a metal shaft that was in a lathe, the employee's shirt became entangled when he walked around the end of the lathe close to the shaft being worked on. EMS was called and the employee was transferred to the hospital where he died on May 4, 2014 from the injuries sustained on April 21, 2014. MIOsha was informed of this fatality on May 28, 2014.

There were 27 MIOsha-related deaths in 2013 & 2012. 2009 saw the lowest number with 24.

If you need help or assistance in ensuring your workplace is safe, MIOsha is here with resources to help. The Consultation Education & Training (CET) Division provides workplace safety and health training and consultations to employers and employees throughout Michigan free of charge. Contact CET today at (800) 866-4674 or submit a request online at www.michigan.gov/cetrca. View the [Annual Fatality Information](#) chart, which shares preliminary details about the fatalities reported to the Michigan Occupational Safety and Health Administration this year, by clicking on the link provided, or visit our website.

Every life is irreplaceable. Our mutual goal must be that every employee goes home at the end of their shift every day!

National Fall Prevention Safety Stand-Down

2014 is the third year of OSHA's Construction Fall Prevention campaign. As part of the Campaign, OSHA, NIOSH and NORA are sponsoring a National Fall Prevention Safety Stand-Down during the week of June 2-6, 2014. OSHA has asked for our assistance in helping them reach employers and raise awareness about the hazards of falls from ladders, scaffolds and roofs. This year, their goal is to involve 25,000 employers and 500,000 workers. If they meet this goal, they will have touched almost 1 out of 10 construction workers in the country.

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OSHA has developed resources to use for a stand-down and we are encouraging all of our construction alliance and partnership representatives to use these resources to hold this event. You can find them on OSHA's newly developed Fall Prevention Safety Stand-Down webpage: <http://www.osha.gov/StopFallsStandDown>. Please share this information about the National Fall Prevention Safety Stand-Down with all of your construction contacts.

CET will also be sending out messages about this event. If an employer would like to receive formal recognition for participating in this event, they can complete a short online questionnaire and print a "Certificate of Participation."

REMEMBER: FALLS REMAIN THE LEADING CAUSE OF DEATH IN CONSTRUCTION. In 2012, there were 269 fall fatalities out of 775 total fatalities in construction nationwide.

Thank you for your help in addressing this important workplace safety initiative.

X-ray Scanners in Michigan Municipalities

MIOSHA's Radiation Safety Section (RSS) inspected the first x-ray body scanner registered to a local law enforcement agency this week. These scanners, previously used at airports, are being sold at a discounted price to law enforcement agencies. When used in airports these scanners were under federal jurisdiction and were not subject to the radiation machine registration requirements of the RSS. However, when used at state and local agencies they are subject to our requirements.

The first state regulated body scanner was installed and began operation at the Ingham County jail in February, 2014. It is used to screen new arrests for contraband before they enter the jail. Although this is the first state regulated scanner put into operation, we have been informed that these devices were offered to 38 different law enforcement offices in Michigan and that 32 have initially accepted.

These x-ray screening systems are unique in that they intentionally expose people to ionizing radiation for non-medical purposes. The RSS drafted and implemented registration conditions for these devices under the authority of R 325.5511. Registration conditions are based on ANSI /HPS N43.17-2009 and apply both to backscatter and transmission technology body scanners.

Our inspection included measurement of the dose to the scanned individual and to personnel in the surrounding areas. These measurements verified that the dose to scanned individuals is less than the limit specified in the standard of 25 microrem per screening. For comparison, background radiation is on the order of 1000 microrem per day. These measurements are challenging because the low levels of radiation being produced are difficult to measure with our current instrumentation. Our inspection also included a review of the operator training program and verification that the registration conditions were followed.

New Hearing Decision

An Administrative Law Judge (ALJ) recently issued a decision on a citation issued to a company by the Construction Safety and Health Division. A MIOSHA Safety Officer (SO) conducted an inspection of an excavation for a water main project. During the inspection, the SO observed a person working inside the excavation. The worker was not protected by any shoring system or trench box and the hole was improperly sloped. The SO learned that the worker in the excavation was an employee of a subcontractor hired to tap into the water main. A different subcontractor was responsible for digging the excavation. While MIOSHA was still on site, a person arrived and entered the excavation to place a tarp over the water main. The SO identified the person as the owner of the company hired to dig the excavation.

The company who dug the excavation was issued a serious violation of Rule 941(1) of Construction Safety Standard Part 9, "Excavation, Trenching and Shoring" with a proposed penalty of \$125. Rule 941(1) requires an employer to slope the sides of an excavation more than 5 feet deep to specific angles based upon the soil type. The sloping is required unless the excavation is otherwise supported to protect employees from cave-ins. The company appealed the citation and a hearing was held.

During the hearing, the company disputed who was responsible for digging the hole. Both a MIOSHA Safety Officer and a MIOSHA Safety Supervisor testified on behalf of MIOSHA. Following the hearing, the ALJ issued a decision upholding the citation and penalty. In conclusion, the company was responsible for the excavation, the judge noted the multiple sources MIOSHA's SO used to confirm who dug the hole, including; the other subcontractor, the general contractor, identification of the person who entered to cover the water main as the owner of the company, and photos of barricade materials labeled with the company's initials.

The judge also agreed with MIOSHA that by digging the excavation in a manner that did not comply with the standard, the company had created a hazard for the other subcontractor's employee who was assigned to work in it. The judge stated: "A subcontractor who creates hazards for the employees of fellow contractors at multi-employer work sites is liable under the occupational safety laws."

AGENCY INSTRUCTIONS/MEMOS ISSUED

April 29, 2014 – [Coburn Equation Use](#)

May 13, 2014 – [Residential Construction – Local Emphasis Program](#)

MEDIA

May 15, 2014 – [State Launches Residential Construction Initiative; MIOSHA and the Home Builders Association of Michigan partner together to increase safety awareness on residential construction sites throughout the state](#)

May 19, 2014 – [MIOSHA Offers Workplace Violence Prevention Training](#)

All of the MIOSHA Press Releases can be viewed from our [website](#).

VARIANCES

Variances from MIOSHA standards must be made available to the public in accordance with Part 12, Variances (R408.22201 to 408.22251). MIOSHA variances are published on the MIOSHA News website: www.michigan.gov/mioshavariances.

QUICK LINKS

[Agency/Division Instructions/Memorandums](#)

[Asbestos Program](#)

[Ask MIOSHA](#)

[Consultation Education & Training \(CET\) Division](#)

[CET Request for Consultative Assistance Services](#)

[Construction Safety & Health Division \(CSHD\)](#)

[Employee Safety, Health and Discrimination Complaint Forms](#)

[General Industry Safety & Health Division \(GISHD\)](#)

[Laboratory & Equipment Services](#)

[Michigan Alliances](#)

[MIOSHA FOIA Request Form](#)

[MIOSHA Training Institute \(MTI\)](#)

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